

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**May 13, 2004**

**IN RE:**

**PETITION OF TENNESSEE WASTEWATER  
SYSTEMS, INC. TO EXPAND ITS SERVICE AREA TO  
INCLUDE AN AREA KNOWN AS SEVIER COUNTY**

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**DOCKET NO.  
04-00045**

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**ORDER GRANTING PETITIONS TO INTERVENE  
AND APPOINTING A HEARING OFFICER**

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This matter came before Chairman Deborah Taylor Tate, Director Pat Miller and Director Sara Kyle of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on March 22, 2004, for consideration of the *Petition of Tennessee Wastewater Systems, Inc. for Authority to Amend Petition*<sup>1</sup> ("*Petition*") filed on February 11, 2004. Notice of this proceeding was sent to all interested parties, pursuant to Tenn. Code Ann. § 65-4-201 *et seq.*, on March 11, 2004. On March 15, 2004, East Sevier County Utility District ("ESCUD") filed a *Petition to Intervene* and on March 19, 2004, the City of Pigeon Forge, Tennessee ("Pigeon Forge") filed a *Petition to Intervene and Motion to Continue* in this matter. On March 19, 2004, Tennessee Wastewater Systems, Inc. ("Tennessee Wastewater") filed an objection to ESCUD's *Petition to Intervene*.

During the March 22, 2004 Authority Conference, Tennessee Wastewater expressed no opposition to the intervention request of Pigeon Forge but objected to the intervention filed by

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<sup>1</sup> Tennessee Wastewater Systems, Inc. formerly operated under the name On-Site Systems, Inc. On October 21, 2003, the Authority approved an amendment to its certificate of public convenience and necessity to expand its service area to include the remaining unincorporated areas of Sevier County as shown in a map attached to the petition filed in Docket No 03-00329.

ESCUD. The panel voted unanimously to grant the *Petition to Intervene* filed by Pigeon Forge.


The panel heard argument from counsel for the parties regarding the intervention request of ESCUD. The panel found that the legal interests, rights, privileges and duties of ESCUD may be determined in this proceeding and voted unanimously to grant ESCUD's *Petition to Intervene*. The panel also voted unanimously to appoint the Authority's General Counsel or his designee to act as the Hearing Officer in this matter to make findings of fact and conclusions of law, as necessary, and to render an initial decision on the merits of the *Petition*, pursuant to Tenn. Code Ann. § 4-5-301 and § 65-2-111 and such other legal authority as may be provided by law.

**IT IS THEREFORE ORDERED THAT:**

1. East Sevier County Utility District and the City of Pigeon Forge, Tennessee are granted leave to intervene and receive copies of any notices, orders or other documents in this matter.

2. The Authority's General Counsel or his designee is appointed Hearing Officer in this matter to make findings of fact and conclusions of law, as necessary, and to render an initial decision on the merits of the *Petition*, pursuant to Tenn. Code Ann. § 4-5-301 and § 65-2-111 and such other legal authority as may be provided by law.

  
Deborah Taylor Tate, Chairman

  
Pat Miller, Director

  
Sara Kyle, Director